

# **EXHIBIT 5**

## **AFFIDAVIT OF SARAH E. MADSEN IN SUPPORT OF PLAINTIFF'S MOTION TO REMAND OR ABSTAIN**

*Minnesota Life Insurance Company, et al.*

*v.*

*Credit Suisse First Boston Mortgage Securities Corp., et al.*

**Court File No. 12-cv-02671 (ADM/LIB)**

# Judicial Business of the United States Courts

2011 Annual Report of the Director  
Honorable Thomas F. Hogan, Director

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**Table C-6.**  
**U. S. District Courts—Civil Cases Pending, by District and Length of Time Pending,**  
**as of September 30, 2011**

Circuit and District	Total	Length of Time Pending				3 Years or More	
		Less Than 1 Year	1 to 2 Years	2 to 3 Years	Number	Percent <sup>1</sup>	
<b>TOTAL</b>	<b>270,839</b>	<b>156,250</b>	<b>52,503</b>	<b>21,651</b>	<b>40,435</b>	<b>14.9</b>	
<b>DC</b>	<b>2,699</b>	<b>1,375</b>	<b>529</b>	<b>305</b>	<b>490</b>	<b>18.2</b>	
<b>1ST</b>	<b>8,048</b>	<b>4,252</b>	<b>1,888</b>	<b>915</b>	<b>993</b>	<b>12.3</b>	
ME	365	303	46	10	6	1.6	
MA	2,986	1,930	659	223	174	5.8	
NH	570	427	111	19	13	2.3	
RI	2,611	612	700	546	753	28.8	
PR	1,516	980	372	117	47	3.1	
<b>2ND</b>	<b>29,281</b>	<b>14,065</b>	<b>6,324</b>	<b>3,102</b>	<b>5,790</b>	<b>19.8</b>	
CT	2,386	1,403	576	236	171	7.2	
NY,N	2,042	1,187	495	199	161	7.9	
NY,E	7,652	4,263	1,543	712	1,134	14.8	
NY,S	14,575	5,911	3,117	1,652	3,895	26.7	
NY,W	2,305	1,082	532	285	406	17.6	
VT	321	219	61	18	23	7.2	
<b>3RD</b>	<b>32,363</b>	<b>17,782</b>	<b>4,876</b>	<b>3,369</b>	<b>6,336</b>	<b>19.6</b>	
DE	1,703	865	410	201	227	13.3	
NJ	6,284	4,202	1,249	505	328	5.2	
PA,E	19,512	9,660	2,209	2,251	5,392	27.6	
PA,M	2,252	1,389	463	189	211	9.4	
PA,W	2,077	1,443	407	164	63	3.0	
VI	535	223	138	59	115	21.5	
<b>4TH</b>	<b>16,537</b>	<b>10,189</b>	<b>2,593</b>	<b>935</b>	<b>2,820</b>	<b>17.1</b>	
MD	3,253	2,181	705	188	179	5.5	
NC,E	1,887	1,174	294	182	237	12.6	
NC,M	1,104	708	256	105	35	3.2	
NC,W	1,067	748	212	69	38	3.6	
SC	3,182	2,255	567	191	169	5.3	
VA,E	1,858	1,536	193	64	65	3.5	
VA,W	658	529	92	23	14	2.1	
WV,N	474	357	79	23	15	3.2	
WV,S	3,054	701	195	90	2,068	67.7	

Table C-6. (September 30, 2011—Continued)

Circuit and District	Total	Less Than 1 Year	Length of Time Pending			3 Years or More	
			1 to 2 Years	2 to 3 Years	Number	Percent <sup>1</sup>	
5TH	29,457	17,527	6,965	3,005	1,960	6.7	
LA,E	8,178	2,622	2,832	1,663	1,061	13.0	
LA,M	924	550	222	66	86	9.3	
LA,W	2,390	1,570	522	195	103	4.3	
MS,N	857	608	179	45	25	2.9	
MS,S	1,923	1,311	386	144	82	4.3	
TX,N	4,039	3,087	682	211	59	1.5	
TX,E	3,247	2,072	736	273	166	5.1	
TX,S	5,525	3,909	994	298	324	5.9	
TX,W	2,374	1,798	412	110	54	2.3	
6TH	23,439	15,263	4,436	2,025	1,715	7.3	
KY,E	1,532	1,102	260	94	76	5.0	
KY,W	1,353	801	316	161	75	5.5	
MI,E	5,075	3,325	968	384	398	7.8	
MI,W	1,534	1,016	353	117	48	3.1	
OH,N	5,940	3,989	897	601	453	7.6	
OH,S	2,685	1,802	558	162	163	6.1	
TN,E	1,728	1,045	424	202	57	3.3	
TN,M	1,849	992	319	164	374	20.2	
TN,W	1,743	1,191	341	140	71	4.1	
7TH	24,367	14,983	6,659	1,280	1,445	5.9	
IL,N	9,122	5,448	1,714	797	1,163	12.7	
IL,C	1,157	740	274	89	54	4.7	
IL,S	8,588	4,907	3,568	68	45	0.5	
IN,N	1,659	1,049	396	131	83	5.0	
IN,S	2,165	1,602	411	91	61	2.8	
WI,E	1,045	694	217	97	37	3.5	
WI,W	631	543	79	7	2	0.3	
8TH	21,119	9,531	3,917	1,628	6,043	28.6	
AR,E	8,984	1,674	1,199	699	5,412	60.2	
AR,W	976	788	135	35	18	1.8	
IA,N	487	315	111	45	16	3.3	
IA,S	595	425	122	28	20	3.4	
MN	3,831	2,285	1,095	297	154	4.0	
MO,E	3,095	1,739	702	379	275	8.9	
MO,W	1,955	1,532	291	76	56	2.9	
NE	569	402	116	23	28	4.9	
ND	209	138	40	16	15	7.2	
SD	418	233	106	30	49	11.7	

Table C-6. (September 30, 2011—Continued)

Circuit and District	Total	Less Than 1 Year	Length of Time Pending			Percent <sup>1</sup>
			1 to 2 Years	2 to 3 Years	3 Years or More	
					Number	
<b>9TH</b>	<b>39,947</b>	<b>26,009</b>	<b>8,132</b>	<b>2,876</b>	<b>2,930</b>	<b>7.3</b>
AK	478	195	87	26	170	35.6
AZ	2,880	1,985	626	184	85	3.0
CA,N	5,870	3,703	1,104	547	516	8.8
CA,E	6,519	3,560	1,610	637	712	10.9
CA,C	10,619	7,512	1,939	501	667	6.3
CA,S	2,715	1,797	535	207	176	6.5
HI	717	500	166	36	15	2.1
ID	735	464	177	45	49	6.7
MT	461	316	78	23	44	9.5
NV	3,249	1,961	777	332	179	5.5
OR	2,303	1,542	495	160	106	4.6
WA,E	787	552	169	36	30	3.8
WA,W	2,474	1,866	342	110	156	6.3
GUAM	64	35	11	11	7	10.9
NMI	76	21	16	21	18	23.7
<b>10TH</b>	<b>9,374</b>	<b>6,622</b>	<b>1,658</b>	<b>655</b>	<b>439</b>	<b>4.7</b>
CO	2,313	1,768	348	139	58	2.5
KS	1,406	949	247	101	109	7.8
NM	1,111	774	215	67	55	5.0
OK,N	905	613	166	82	44	4.9
OK,E	438	349	66	19	4	0.9
OK,W	1,207	951	171	36	49	4.1
UT	1,655	930	405	205	115	6.9
WY	339	288	40	6	5	1.5
<b>11TH</b>	<b>34,208</b>	<b>18,652</b>	<b>4,526</b>	<b>1,556</b>	<b>9,474</b>	<b>27.7</b>
AL,N	5,003	3,510	1,197	139	157	3.1
AL,M	1,087	715	246	86	40	3.7
AL,S	677	496	116	39	26	3.8
FL,N	1,745	1,209	312	164	60	3.4
FL,M	15,611	4,644	1,218	778	8,971	57.5
FL,S	4,544	3,885	466	113	80	1.8
GA,N	3,795	2,895	661	154	85	2.2
GA,M	969	704	171	58	36	3.7
GA,S	777	594	139	25	19	2.4

NOTE: Includes cases filed in previous years as consolidated cases that thereafter were severed into individual cases.

<sup>1</sup> Percent not computed when fewer than 10 cases reported.

**Table T-3.**  
**U.S. District Courts—Median Time Intervals from Filing to Trial for Civil Cases in Which Trials Were Completed, by District, During the 12-Month Period Ending September 30, 2011**

Circuit and District	Total Trials		Nonjury Trials		Jury Trials	
	Number of Trials	Median Time Interval in Months <sup>1</sup>	Number of Trials	Median Time Interval in Months <sup>1</sup>	Number of Trials	Median Time Interval in Months <sup>1</sup>
<b>TOTAL</b>	<b>2,946</b>	<b>24.8</b>	<b>872</b>	<b>21.8</b>	<b>2,074</b>	<b>26.1</b>
<b>DC</b>	<b>31</b>	<b>39.7</b>	<b>8</b>	-	<b>23</b>	<b>36.7</b>
<b>1ST</b>	<b>102</b>	<b>25.5</b>	<b>25</b>	<b>24.2</b>	<b>77</b>	<b>25.9</b>
ME	9	-	2	-	7	-
MA	55	31.1	15	24.2	40	33.5
NH	14	19.4	5	-	9	-
RI	10	28.7	1	-	9	-
PR	14	25.0	2	-	12	25.0
<b>2ND</b>	<b>338</b>	<b>35.7</b>	<b>103</b>	<b>32.3</b>	<b>235</b>	<b>37.1</b>
CT	44	35.8	12	34.1	32	36.3
NY,N	45	45.1	6	-	39	45.1
NY,E	122	32.9	33	35.6	89	31.6
NY,S	114	30.6	49	27.2	65	35.7
NY,W	6	-	2	-	4	-
VT	7	-	1	-	6	-
<b>3RD</b>	<b>263</b>	<b>27.5</b>	<b>74</b>	<b>22.2</b>	<b>189</b>	<b>32.2</b>
DE	31	28.1	12	23.4	19	40.6
NJ	59	43.6	11	41.0	48	44.0
PA,E	99	20.4	29	17.4	70	22.3
PA,M	26	29.2	6	-	20	31.8
PA,W	31	35.3	5	-	26	35.6
VI	17	34.6	11	32.0	6	-
<b>4TH</b>	<b>202</b>	<b>19.5</b>	<b>81</b>	<b>19.1</b>	<b>121</b>	<b>19.7</b>
MD	32	31.2	11	26.5	21	37.4
NC,E	17	23.8	15	23.8	2	-
NC,M	5	-	2	-	3	-
NC,W	11	16.7	1	-	10	16.3
SC	45	24.6	15	24.9	30	23.8
VA,E	51	12.8	23	12.4	28	13.5
VA,W	20	13.0	7	-	13	13.1
WV,N	5	-	3	-	2	-
WV,S	16	21.6	4	-	12	21.6

Table T-3. (September 30, 2011—Continued)

Circuit and District	Total Trials		Nonjury Trials		Jury Trials	
	Number of Trials	Median Time Interval in Months <sup>1</sup>	Number of Trials	Median Time Interval in Months <sup>1</sup>	Number of Trials	Median Time Interval in Months <sup>1</sup>
<b>5TH</b>	392	20.9	143	19.4	249	21.8
LA,E	66	17.8	36	15.5	30	18.5
LA,M	17	31.8	4	-	13	28.2
LA,W	33	24.9	20	27.2	13	16.7
MS,N	19	24.3	2	-	17	24.6
MS,S	44	19.7	9	-	35	19.7
TX,N	47	20.2	11	17.1	36	22.0
TX,E	34	23.7	6	-	28	24.3
TX,S	95	20.1	37	19.4	58	21.3
TX,W	37	15.9	18	17.4	19	15.2
<b>6TH</b>	219	23.7	51	24.5	168	23.5
KY,E	11	23.6	2	-	9	-
KY,W	15	25.3	3	-	12	24.7
MI,E	54	23.4	12	22.6	42	24.7
MI,W	12	28.6	3	-	9	-
OH,N	31	20.1	7	-	24	20.0
OH,S	29	26.4	6	-	23	26.4
TN,E	17	24.1	3	-	14	23.8
TN,M	18	22.7	7	-	11	22.7
TN,W	32	22.6	8	-	24	20.9
<b>7TH</b>	243	28.6	36	29.8	207	28.4
IL,N	147	28.4	22	30.3	125	27.9
IL,C	17	38.5	-	-	17	38.5
IL,S	20	22.6	6	-	14	21.9
IN,N	10	34.1	-	-	10	34.1
IN,S	25	30.5	6	-	19	30.9
WI,E	9	-	2	-	7	-
WI,W	15	14.4	-	-	15	14.4
<b>8TH</b>	166	25.0	39	23.7	127	25.6
AR,E	32	22.4	9	-	23	23.9
AR,W	14	19.0	2	-	12	17.4
AN	8	-	3	-	5	-
AS	15	23.1	4	-	11	23.1
MN	33	25.0	7	-	26	24.8
MO,E	23	29.0	2	-	21	30.9
MO,W	15	29.1	2	-	13	27.9
NE	16	21.7	7	-	9	-
ND	4	-	2	-	2	-
SD	6	-	1	-	5	-

Table T-3. (September 30, 2011—Continued)

Circuit and District	Total Trials		Nonjury Trials		Jury Trials	
	Number of Trials	Median Time Interval in Months <sup>1</sup>	Number of Trials	Median Time Interval in Months <sup>1</sup>	Number of Trials	Median Time Interval in Months <sup>1</sup>
<b>9TH</b>	<b>483</b>	<b>25.2</b>	<b>163</b>	<b>20.0</b>	<b>320</b>	<b>28.4</b>
AK	2	-	-	-	2	-
AZ	31	30.2	10	27.3	21	31.7
CA,N	56	34.3	17	23.0	39	35.6
CA,E	55	43.6	14	48.0	41	41.0
CA,C	153	19.7	58	15.9	95	21.3
CA,S	31	35.1	8	-	23	36.6
HI	16	9.3	12	8.1	4	-
ID	10	23.0	3	-	7	-
MT	4	-	2	-	2	-
NV	34	36.3	9	-	25	28.4
OR	33	28.9	8	-	25	29.0
WA,E	12	23.2	5	-	7	-
WA,W	45	19.0	16	16.1	29	19.2
GUAM	-	-	-	-	-	-
NMI	1	-	1	-	-	-
<b>10TH</b>	<b>157</b>	<b>24.8</b>	<b>41</b>	<b>25.6</b>	<b>116</b>	<b>24.6</b>
CO	46	26.7	15	29.2	31	26.2
KS	23	25.7	3	-	20	24.7
NM	21	28.7	4	-	17	26.1
OK,N	11	21.7	2	-	9	-
OK,E	2	-	1	-	1	-
OK,W	18	13.4	3	-	15	16.5
UT	24	32.9	10	24.8	14	34.2
WY	12	11.7	3	-	9	-
<b>11TH</b>	<b>350</b>	<b>21.1</b>	<b>108</b>	<b>18.2</b>	<b>242</b>	<b>22.3</b>
AL,N	48	18.2	7	-	41	18.6
AL,M	13	18.6	1	-	12	18.5
AL,S	12	16.8	7	-	5	-
FL,N	23	20.1	10	19.4	13	25.0
FL,M	80	22.1	28	20.7	52	22.3
FL,S	91	17.2	35	17.1	56	17.7
GA,N	48	29.9	9	-	39	31.6
GA,M	22	20.3	8	-	14	20.3
GA,S	13	32.7	3	-	10	34.3

NOTE: Includes trials conducted by district and appellate judges only. All trials conducted by magistrate judges are excluded. Excludes the following trials: land condemnation; forfeitures and penalty cases; prisoner petitions (habeas corpus, motions to vacate sentence under 28 U.S.C. 2255, hearings on evidentiary matters); bankruptcy petitions; and three-judge court cases. For civil cases resulting in completed trials, the median time is based on the original filing date and the date the trial was completed. For reopened civil cases resulting in second completed trials, the median time remains based on the original filing date and the date the trial was completed.

<sup>1</sup> Time intervals computed only for 10 or more trials.